

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-00068-BO

YOLANDA IRVING, et al.,)	
)	
Plaintiffs,)	REPLY TO MEMORANDUM IN
)	OPPOSITION OF EMANCIPATE NC, INC.
v.)	(ECF No. 122)
)	
THE CITY OF RALEIGH, et al.,)	
)	
Defendants.)	

Defendants City of Raleigh, Chief of Police Estella Patterson, and City Manager Marchell Adams-David (collectively the “City”), pursuant to Local Rule 7.1(g) respectfully reply to the Memorandum in Opposition filed by Plaintiff Emancipate NC, Inc. (“Emancipate”) (ECF No. [122](#)).

The City previously filed a Motion to Dismiss Emancipate as a Plaintiff in this action (ECF No. [59](#)) and a Memorandum in Support (ECF No. [60](#)) showing that Emancipate, as an organization, does not have standing to bring this suit, because Defendants’ actions have not prevented Emancipate from pursuing its broad mission. Emancipate filed a Memorandum in Opposition (ECF No. [88](#)).

Plaintiffs, including Emancipate, subsequently filed a Second Amended Complaint (ECF No. [93](#)), with leave of this Court.

The City renewed its Motion to Dismiss Emancipate (ECF No. [96](#)), relying on the pleadings filed to date and its previously filed Memorandum in Support (ECF No. [60](#)), as the allegations subject to the Motion to Dismiss remained unchanged in the Second Amended

Complaint and, therefore, did not moot the earlier filed motion. The City timely filed its Reply (ECF No. [102](#)) to Emancipate's Memorandum in Opposition (ECF No. [88](#)).

Emancipate then filed the current Memorandum in Opposition to Motion to Dismiss (ECF No. [122](#)), which is substantively identical to their earlier Memorandum in Opposition (ECF No. [88](#)).

Accordingly, in the interest of brevity, the City respectfully incorporates the City's Reply (ECF No. [102](#)) by reference. For the reasons articulated in the City's Memorandum in Support of the Motion to Dismiss Plaintiff Emancipate NC, Inc. (ECF No. [60](#)) and Reply (ECF No. [102](#)), the City respectfully requests that this Court dismiss Plaintiff Emancipate and grant such other relief as it deems proper and just.

CITY OF RALEIGH
Robin L. Tatum, City Attorney

By: /s/ Dorothy V. Kibler
DOROTHY V. KIBLER
Deputy City Attorney
N.C. Bar No. 13751

By: /s/ Amy C. Petty
AMY C. PETTY
Senior Associate City Attorney
N.C. Bar No. 20894
PO Box 590
Raleigh, NC 27602
Tel: (919) 996-6560
Fax: (919) 996-7021
Dorothy.Kibler@raleighnc.gov

*Counsel for Defendants City of
Raleigh, Chief of Police Estella
Patterson, and City Manager
Marchell Adams-David*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CASE NO. 5:22-cv-68-BO

YOLANDA IRVING, et al.,)
)
Plaintiffs,)
)
v.)
)
THE CITY OF RALEIGH, et al.)
)
Defendants.)

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2022, I electronically filed the foregoing **REPLY TO PLAINTIFFS' MEMORANDUM IN OPPOSITION TO MOTION TO DISMISS EMANCIPATE NC, INC.** with the Clerk of Court using the CM/ECF system, which sends notification of such filing to all counsel of record as follows:

Abraham Rubert-Schewel
Tin Fulton Walker & Owen, PLLC
119 E. Main Street
Durham, NC 27701
schewel@tinfulton.com
Counsel for Plaintiffs

Jason Benton
Parker Poe Adams & Bernstein, LLP
620 South Tyson Street, Suite 800
Charlotte, NC 28202
jasonbenton@parkerpoe.com
Counsel for Defendant Abdullah

Emily Gladden
Tin Fulton Walker & Owen, PLLC
204 N. Person Street
Raleigh, NC 27601
egladden@tinfulton.com
Counsel for Plaintiffs

Rodney Pettey
Yates McLamb & Weyher, LLP
PO Box 2889
Raleigh, NC 27602
rpettey@ymwlaw.com
Counsel for Defendants Monroe, Rattelade, and Gay

Michael Littlejohn, Jr.
Littlejohn Law, PLLC
PO Box 16661
Charlotte, NC 28297
mll@littlejohn-law.com
Counsel for Plaintiffs

Norwood Blanchard, III
Crossley McIntosh Collier, & Edes, PLLC
5002 Randall Parkway
Wilmington, NC 28403
norwood@cmclawfirm.com
Counsel for Defendant Rolfe

Ian Mance
Elizabeth Simpson
Emancipate NC, Inc.
ian@emancipatenc.org
elizabeth@emancipatenc.org
Counsel for Plaintiffs

Leslie Packer
Michelle Liguori
Ellis & Winters, LLP
PO Box 335500
Raleigh, NC 27636
Leslie.Packer@elliswinters.com
Michelle.Liguori@elliswinters.com
*Counsel for Defendants Garner, McDonald,
Twiddy, Mead, Ortiz, Perrin, Thompson,
Mollere, Webb, and Debonis*

CITY OF RALEIGH
Robin L. Tatum, City Attorney

By: /s/ Dorothy V. Kibler
DOROTHY V. KIBLER
Deputy City Attorney
N.C. Bar No. 13751
PO Box 590
Raleigh, NC 27602
Tel: (919) 996-6560
Fax: (919) 996-7021
Dorothy.Kibler@raleighnc.gov

*Counsel for Defendants City of
Raleigh, Chief of Police Estella
Patterson, and City Manager
Marchell Adams-David*